

## CHAPTER 629

## EXTRADITION, DETAINERS, ARREST, BAIL

629.34	When arrest may be made without a warrant.	629.471	Maximum bail on misdemeanors; gross misdemeanors.
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**629.34 WHEN ARREST MAY BE MADE WITHOUT A WARRANT.**

Subdivision 1. **Peace officers and constables.** (a) A peace officer, as defined in section 626.84, subdivision 1, clause (c), or a constable, as defined in section 367.40, subdivision 3, who is on or off duty within the jurisdiction of the appointing authority, or on duty outside the jurisdiction of the appointing authority pursuant to section 629.40, may arrest a person without a warrant as provided under paragraph (c).

(b) A part-time peace officer, as defined in section 626.84, subdivision 1, clause (f), who is on duty within the jurisdiction of the appointing authority, or on duty outside the jurisdiction of the appointing authority pursuant to section 629.40 may arrest a person without a warrant as provided under paragraph (c).

(c) A peace officer, constable, or part-time peace officer who is authorized under paragraph (a) or (b) to make an arrest without a warrant may do so under the following circumstances:

(1) when a public offense has been committed or attempted in the officer's or constable's presence;

(2) when the person arrested has committed a felony, although not in the officer's or constable's presence;

(3) when a felony has in fact been committed, and the officer or constable has reasonable cause for believing the person arrested to have committed it;

(4) upon a charge based upon reasonable cause of the commission of a felony by the person arrested; or

(5) under the circumstances described in clause (2), (3), or (4), when the offense is a gross misdemeanor violation of section 609.52, 609.595, 609.631, or 609.821.

(d) To make an arrest authorized under this subdivision, the officer or constable may break open an outer or inner door or window of a dwelling house if, after notice of office and purpose, the officer or constable is refused admittance.

*[For text of subd 2, see M.S.1986]*

**History:** 1987 c 329 s 18

**629.40 ALLOWING ARRESTS ANYWHERE IN STATE.**

*[For text of subs 1 to 4, see M.S.1986]*

Subd. 5. **Officers appointed by metropolitan transit commission.** An off-duty peace officer as defined in section 626.84, subdivision 1, paragraph (c), may be employed by the metropolitan transit commission to police its property and routes and may make an arrest under section 629.34 while on duty for the metropolitan transit commission anywhere within the counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington. The powers of arrest may only be exercised in connection with investigations authorized by the commission that relate to commission property, equipment, employees, and passengers.

**History:** 1987 c 83 s 2

**629.47 HEARING OR TRIAL ADJOURNED; RECOGNIZANCE ALLOWED.**

Subject to the right of the accused to a speedy trial as prescribed by the rules of criminal procedure, a court may adjourn a hearing or trial from time to time, as the need arises and reconvene it at the same or a different place in the county. During the adjournment, the person being tried may be released in accordance with rule 6.02 of the rules of criminal procedure.

**History:** 1987 c 329 s 19

**629.471 MAXIMUM BAIL ON MISDEMEANORS; GROSS MISDEMEANORS.**

Subdivision 1. **Double the fine.** Except as provided in subdivision 2, the maximum cash bail that may be required for a person charged with a misdemeanor or gross misdemeanor offense is double the highest cash fine that may be imposed for that offense.

Subd. 2. **Quadruple the fine.** For offenses under sections 169.09, 169.121, 169.129, 518B.01, 609.2231, subdivision 2, 609.224, 609.487, and 609.525, the maximum cash bail that may be required for a person charged with a misdemeanor or gross misdemeanor violation is quadruple the highest cash fine that may be imposed for the offense.

**History:** 1987 c 329 s 20

**629.72 BAIL IN CASES OF DOMESTIC ASSAULT.**

*[For text of subd 1, see M.S.1986]*

Subd. 2. **Judicial review; release; bail.** The judge before whom the arrested person is brought shall review the facts surrounding the arrest and detention. The arrested person must be ordered released pending trial or hearing on the person's personal recognizance or on an order to appear or upon the execution of an unsecured bond in a specified amount unless the judge determines that release (1) will be inimical to public safety, (2) will create a threat of bodily harm to the arrested person, the victim of the alleged assault, or another, or (3) will not reasonably assure the appearance of the arrested person at subsequent proceedings. If the judge determines release is not advisable, the judge may impose any conditions of release that will reasonably assure the appearance of the person for subsequent proceedings, or will protect the victim of the alleged assault, or may fix the amount of money bail without other conditions upon which the arrested person may obtain release. If conditions of release are imposed, the judge shall issue a written order for conditional release. The court administrator shall immediately distribute a copy of the order for conditional release to the agency having custody of the arrested person and shall provide the agency having custody of the arrested person with any available information on the location of the victim in a manner that protects the victim's safety. Either the court or its designee or the agency having custody of the arrested person shall serve upon the defendant a copy of the order. Failure to serve the arrested person with a copy of the order for conditional release does not invalidate the conditions of release.

*[For text of subs 3 and 4, see M.S.1986]*

Subd. 5. **Violations of conditions of release.** The judge who released the arrested person shall issue a warrant directing that the person be arrested and taken immediately before the judge, if:

- (1) the judge receives an application alleging that the arrested person has violated the conditions of release; and
- (2) the judge finds that probable cause exists to believe that the conditions of release have been violated.

Subd. 6. **Notice to victim regarding release of arrested person.** (a) Immediately after the issuance of a citation in lieu of continued detention under subdivision 1, or the entry of an order for release under subdivision 2, but before the arrested person is released, the agency having custody of the arrested person or its designee must make a reasonable and good faith effort to inform orally the alleged victim of:

- (1) the conditions of release, if any;
  - (2) the time of release;
  - (3) the time, date, and place of the next scheduled court appearance of the arrested person and the victim's right to be present at the court appearance; and
  - (4) the location and telephone number of the area battered women's shelter as designated by the department of corrections.
- (b) As soon as practicable after an order for conditional release is entered, the agency having custody of the arrested person or its designee must personally deliver or mail to the alleged victim a copy of the written order and written notice of the information in clauses (2) and (3).

**History:** 1987 c 115 s 1-3